

04 NCAC 24C .0215 is proposed for adoption as follows:

04 NCAC 24C .0215 NEW FILING AFTER WITHDRAWAL OF APPEAL

(a) A party whose request to withdraw the appeal was granted who then files an appeal of the same determination or issue number shall be deemed to have filed the appeal on the date that DES receives the new filing.

(b) The record on appeal for a matter that was closed before a new appeal was received shall include the appealing party's initial request to withdraw the appeal, the withdrawal order, and the new appeal filing.

(c) DES may raise the issue of the timeliness of the appeal if the appeal is filed after the appeal rights have expired on the determination or issue being appealed.

(d) Timeliness of the appeal shall be determined in accordance with 04 NCAC 24A .0106.

History Note: Authority G.S. 96-4; 96-15;

Eff. July 1, 2018.